IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

SECOND APPEAL NO.98 of 2003

Laxman Maruti Pawar .. Appellant

V/s

Krishna R. Patil and Ors..Respondents

Shri Amit Sale for Appellant

Shri S.S.Patwardhan for Respondents

WITH

SECOND APPEAL NO.100 OF 2003

Laxman Maruti Pawar ... Appellant

V/s

Krishna Ramchandra Patil and Ors..Respondents

Shri Amit Sale for Appellant

Shri S.S.Patwardhan for Respondents

CORAM:S.R.SATHE,J.

DATED:20th June 2005

P.C.:-

1. Heard the Advocates for both the parties.

2. Perused the judgments of both the Courts.

3. The suit land was originally acquired by the Respondent Krishna Patil under Section 32 of B.T. and A.L.Act, as he was in need of money, he obtained loan from the present Appellant - Laxman Pawar and executed an agreement to sale. It was his case that the said agreement was in fact executed by way of security and it was agreed that on payment of Rs.22,700/- by the Respondent Krishna Patil, he returned the land. Though Respondent was accordingly ready to return the amount, the Appellant refused to do so, hence Krishna Patil, present Respondent filed the suit for declaration and possession. Laxman Patil, present Appellant in whose favour the agreement of sale was executed also filed suit for specific performance. Both the suits were tried together and the trial Court held that document in question was by way of security and there was no real agreement to sale. He therefore, decreed the suit filed by the owner of the land viz. Krishna Patil, present Respondent and dismissed the suit filed by the transferee, the present appellant.

4. Being aggrieved by the same the Transferee, Laxman Pawar filed two appeals. Both the appeals were dismissed by the first Appellate Court. Hence the Transferee Laxman Pawar filed the present second

appeals.

5. From the perusal of the judgment of the first appellate Court, it is very clear that the learned first appellate Court has rightly considered the entire evidence on record and has correctly dismissed both the appeals and thereby confirmed the decree passed in favour of the original owner Krishna Patil.

6. The learned Advocate for the appellant could not point out any error of law in the judgment passed by the first appellate Court. The findings of facts are legal and correct and the same are born by the evidence on record. There is no substantial question of law involved in these appeals.

7. Both these second appeals are dismissed in limine.

(S.R.SATHE,J.)

3. Finding recorded by the trial Court and confirmed by the first Appellate Court while dismissing the appeals thereby dismissed the suits filed by the plaintiffs. There is no substantial question of law involved in the matters. Both the lower Courts have rightly considered the dimension given by the original plaintiff.

4. Both these second appears are dismissed.

(S.R.SATHE,J)